

ARTICLE VII. GENERAL PROVISIONS

Section 7.01. Nonconforming use.

(1) Any building, structure or use of land existing at the time of the enactment of this ordinance, or any amendment thereto, may be continued subject to the following provisions. They shall not be:

- (a) Changed to another nonconforming use.
- (b) **Enlarged, extended, or structurally altered, except in conformity with this ordinance or as may be allowed in paragraphs (2), (3), (4) below, or in Section 7.10(III). Alterations may be allowed to add filters, cleaners, or other devices to enhance the health, safety, or welfare of the general public by reducing or eliminating the emission or presence of dust, gas, smoke, noise, fumes, odors, vibration, glare, or other nuisance. This alteration shall not allow the enlargement or extension of a nonconforming use.**
- (c) Reestablished after discontinuance of one hundred eighty (180) days.
- (d) Rebuilt, altered, or repaired after damage exceeding sixty (60) percent of the fair market value immediately prior to damage, **except as may be allowed in Section 7.10(III)(b).**

(2) *Special exceptions.* Notwithstanding the foregoing provisions of this section, in a particular case, after a public hearing thereon, the board of adjustment may permit the establishment, extension or enlargement in any district of a nonconforming building or use of land, subject to any reasonable and appropriate conditions which it may impose for the protection of neighboring properties and of the public interest. Such conditions may include, among others, requirements for landscaping and other measures to screen the nonconforming use and its effect from its neighbors, regulation of signs and lights used in connection with the conforming use and requirements for off-street parking and loading space. Violations of any such conditions shall constitute a violation of this ordinance. Provided, that this subsection shall apply only to the following nonconforming uses:

- (a) Public utility distribution lines.
- (b) Transformer stations.
- (c) Transmission lines and towers.
- (d) Broadcasting stations and masts.
- (e) Water tanks.
- (f) Lift stations.
- (g) Gas pressure regulating stations.

Provided, further, the facility and all necessary outbuildings shall conform to the yard requirements of the zoning classification in which it is located. The facility shall not use any portion of the property for open storage of materials, and the utility must have franchise rights, if required by the city, the state or the federal government, to operate within the area of the city and within its extraterritorial zoning jurisdiction.

(3) *Expansion of nonconforming mobile homes.* In A-1, R-15, and R-20 districts a nonconforming mobile home on an individual lot, which is used as a single-family residence, may be enlarged, modified, or structurally altered by the addition of a foundation, skirting, steps, patio, porch, room, carport, detached garage, or similar improvement for residential use; provided, however, that all requirements of the zoning district pertaining to lot size, yard requirements, and building height are met.

(4) *Nonconforming mobile home parks.* Nonconforming mobile home parks shall not expand, extend or modify either land area or the number of mobile home spaces which existed at the effective date of this ordinance except in conformance with the regulations of this zoning ordinance as they pertain to mobile home parks; provided, however, that nothing in this ordinance shall be interpreted as prohibiting the use of an existing mobile home space or the enlargement, modification, or structural alteration of a mobile home unit by the addition of a foundation, skirting, steps, patio, porch, room, carport, detached garage, or similar improvement for residential use except that such enlargement, modification, or structural alteration shall conform to the regulations of the mobile home park section of this ordinance.

Nonconforming mobile home parks are subject to the following requirements:

- (a) The expansion of existing mobile home parks shall meet the requirements for mobile home parks as set out in section 12.07.
- (b) When individual mobile homes are replaced in a nonconforming mobile home park, the new unit must be a post-1976 home meeting all HUD standards for manufactured housing.
- (c) If greater than 60% of the fair market value of the nonconforming mobile home park is destroyed or damaged, the mobile home park, if rebuilt, shall meet the requirements for mobile home parks as set out in section 12.07.

(Ord. of 5-21-74, § 2; Ord. No. 1979-16, § 1, 3-20-79; Ord. No. 1986-20, § 3, 5-6-86; Ord. No. 1994-8, §§ 1--3, 3-1-94; Ord. 1998-28; Ord. No. 1998-30; Ord. No. 1999-17; Ord, No. 1999; Ord. 1999-47; Ord. 2001-3, Ord. No.2001-76; Ord. No. 2002-2; Ord. No. 2002-81; Ord. No. 2003-22)

Section 7.02. Off-street automobile parking and storage.

Off-street automobile parking or storage space shall be provided on every lot, an abutting lot of the same ownership, or directly across any street or alleyway of the same ownership, on which any of the following uses permitted by the zoning ordinance, including conditional uses, are hereafter established in all districts, except as exempted by section 7.06. There shall be no issuance of leases or other arrangements made to satisfy the minimum parking space requirement. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements, shown upon the plans or required by the zoning ordinance, are in place and ready for use. The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays. Each off-street parking area shall be constructed in such a manner that its surface material shall be dust free. This is to be accomplished by concrete, blacktop, or non-dust producing surfacing. Each automobile parking space shall be not less than nine (9) feet by eighteen (18) feet with adequate access and maneuvering area to each space. Such parking area shall be provided with vehicular access to a street or alley. **In parking lots with 20 or more parking spaces, the number of spaces may be reduced as stated in Section 10.06(8).** All uses shall hereafter be provided with off-street parking equal in number to at least the minimum requirements for the specific use set forth. Each parking space requirement for each use classification is followed by a letter designation (e.g., [A]), which shall be cross-referenced with article VIII, Use Requirements by District.

Use Classification		Parking Space Requirement
Adult day care centers	[A]	3 spaces plus 1 space for every 5 additional clients or fraction thereof.
Adult day care homes	[B]	3 spaces.
Automobile sales and repair	[C]	1 space for each 2 employees at maximum employment on a single shift, plus 2 spaces for each 300 square feet of repair or maintenance space.
Bed and breakfast home	[CA]	One space for each bedroom used in the operation, with further specifications as outlined in section 12.24 , regulations for the use bed and breakfast home
Bowling alleys	[D]	2 spaces for each alley, plus 1 additional space for each 2 employees.

Churches	[E]	1 space for each 5 seats in the largest assembly room.
Commercial group development approved under section 12.06 , Group development, having a gross floor area of less than or equal to 200,000 square feet, except for miniwarehouses, wholesaling and industrial uses which shall be as provided for elsewhere in this section	[F]	4 spaces for each 1,000 square feet of gross floor area.
Commercial group development approved under section 12.06 Group development, having a gross floor area over 200,000 square feet, except for miniwarehouses, wholesaling and industrial uses which shall be as provided for elsewhere in this section	[G]	5 spaces for each 1,000 square feet of gross floor area.
Child day care homes and facilities	[H]	1 space for each 10 children.
Dormitories	[I]	No off-street parking is required for dormitories located on a contiguous main campus with academic and administrative buildings. Off-street parking for dormitories not located on a contiguous main campus with academic and administrative buildings shall be provided at least 1 space for each 750 square feet of the building's gross floor space.
Emporium	[JJ]	1 space for each employee plus 2 spaces for each 3 booths
Farmer's market	[J]	1 space for each 200 square feet of ground area used for the sales area.
Filling stations	[K]	2 spaces for each gas pump, plus 3 spaces for each grease rack or similar facility, plus 1 space for each 100 square feet of building space area.
Fire, police, and ambulance stations	[L]	1 space for each person on duty on a normal shift.

Gymnasiums and community centers	[M]	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 space per 150 square feet of gross floor area, whichever is needed by the facility.
Hospitals and regional medical centers	[N]	1 space for each 3 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 2 employees.
Hotels and residential support facilities	[O]	1 space per guest room, plus 1 space for each 2 employees on shift of greatest employment.
Indoor shooting (firing) ranges	[MM]	1 space for each 200 square feet of gross floor area excluding the area between the target line and the firing line
Junior high schools, elementary schools, and kindergartens, both public and private	[P]	2 spaces for each classroom, plus 1 space for each administrative and/or service employee.
Libraries, museums, and art galleries	[Q]	1 space for each 200 square feet of total floor area.
Medical offices, medical clinics, and community and neighborhood medical centers	[R]	1 space for each 200 square feet of total floor area.
Mental health clinics	[S]	1 space for each 300 square feet of total floor area; if number of employees exceeds 3 for every 1 parking space, then add 1 space for each 2 additional employees.

Miniwarehouses	[JJ]	There shall be an interior driveway and spacing between warehouse buildings a minimum of 30 feet for driveway, parking and fire lane purposes. Offices for miniwarehouses shall provide 1 space for every 25 storage cubicles or compartments to be located at the warehouse office site for the use of prospective clients. Any outdoor storage of vehicles, trailers, campers, boats, and the like is prohibited in the required driveway, parking and fire lane area. Such storage shall be located at designated spaces provided separate from the warehouse buildings.
Mobile home parks	[T]	Two (2) spaces for each mobile home
Mortuaries and funeral homes	[U]	1 space for each 4 seats in the assembly room or chapel.
Motels, tourist homes, and tourist courts	[V]	1 space for each accommodation, plus 2 additional spaces for employees, plus additional parking as required for supporting uses.
Multifamily dwellings, including apartments, row houses, and townhouses	[W]	2 spaces per dwelling unit.
Offices, professional, business or public, including banks	[X]	1 space for each 200 square feet of gross floor area (excluding medical).
Places of public assembly, including private clubs, lodges, and fraternal buildings not providing overnight accommodations, auditoriums, dance halls, theaters, stadiums, amusement parks, and similar places of public assembly	[Y]	1 space for each 4 seats provided for patron use, plus 1 space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats.
Pool halls	[Z]	1 space for each 3 pool tables.

Restaurant, standard; restaurant, eat-in/carry-out; restaurant, fast food; and restaurant, drive-in	[AA]	1 parking space on the plot or on a lot separated therefrom by not more than 400 feet for each 4 fixed seats or stools or for each 50 square feet of floor area available for accommodation of movable seats and tables.
Retail business	[BB]	1 space for each 200 square feet of total floor area, provided that for photocopying and offset printing services and furniture stores, no off-street parking shall be required for any warehousing or storage area on the same premises which is used solely in connection with the retail sales or display area or, in the case of the photocopying and off-set printing services, with the production area, any offices and customer service area.
Rooming and boarding houses	[CC]	1 space for each 3 guest rooms, plus 1 additional space for the owner and/or operator resident on the premises, plus 1 additional space for each full-time employee per shift.
Sanitariums, rest homes, convalescent homes, nursing homes, assisted living facilities, homes for the aged, and similar institutions.	[DD]	1 space for each 6 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees.
Senior high schools, both public and private	[EE]	1 space for each classroom, plus 1 space for each school employee excluding teachers, plus 1 space for each 5 students.
Single-family dwellings, modular homes, manufactured homes, two-family dwellings, and family care homes	[FF]	2 spaces per dwelling unit.

Swimming pools, commercial	[KK]	1 space for each 75 square feet of water area. (Note: In the case of pools in multifamily developments, which are for the exclusive use of the residents of the development, additional parking shall not apply.)
Tennis courts, commercial	[LL]	4 spaces for each court.
Universities, colleges, technical schools, business colleges, etc., both public and private, with dormitories	[GG]	1 space for each 3 students, plus 2 spaces for each 3 staff or other personnel.
Universities, colleges, technical schools, business colleges, etc., both public and private, without dormitories	[HH]	1 space for each 2 students, plus 1 space for each staff or other personnel.
Vocational workshops	[NN]	1 space for each employee, plus 10 spaces
Wholesaling and industrial uses	[II]	1 space for each 2 employees at maximum employment on a single shift.
Jails, prisons	[JJ]	2 spaces for every 3 employees on largest shift plus 1 space for every 10 inmates
Neighborhood centers	[OO]	1 space for each 300 square feet or 6 spaces, whichever is greater

(Ord. of 5-3-66, § 3; Ord. of 4-4-67, § 1; Ord. of 7-6-67, § 1; Ord. of 7-7-70, § 1; Ord. No. 1976-21, § 1, 4-6-76; Ord. No. 1976-33, § 1, 6-1-76; Ord. No. 1980-89, § 1, 10-21-80; Ord. No. 1980-99, § 5, 11-18-80; Ord. No. 1982-22, § 1, 5-4-82; Ord. No. 1982-41, § 3, 8-3-82; Ord. No. 1984-38, § 1, 5-1-84; Ord. No. 1984-55, § 8, 7-17-84; Ord. No. 1985-29, § 1, 4-2-85; Ord. No. 1985-80, §§ 2, 3, 9-17-85; Ord. No. 1986-3, § 3, 1-7-86; Ord. No. 1986-61, § 2, 9-2-86; Ord. No. 1986-83, § 1, 12-2-86; Ord. No. 1991-5, § 4, 2-5-91; Ord. No. 1991-38, § 7, 10-1-91; Ord. No. 1993-33, § 2, 5-18-93; Ord. No. 1993-87, § 2, 11-16-93; **Ord. No. 1996-35; Ord. No. 1997-18; Ord. No. 1997-64; Ord. 1998-28; Ord. No. 1999: ord. 1999-47; Ord. No. 1999-71; Ord. No. 2001-; Ord. No. 2002-24; Ord. No. 2002-74)**)

Cross reference(s)--Stopping, standing and parking, § 13-151 et seq.

Section 7.03. Off-street parking in residential districts for uses not permitted in residential districts.

The zoning board of adjustment may, after a courtesy hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard, authorize as a conditional use the use of land in a residential district for parking directly related to a use not permitted in that residential district, provided that such parking meets and remains in conformity with the following requirements:

- (1) The design requirements of section 7.02 are met.
- (2) Parking area shall be used for parking of automobiles only, with no sales, storage, repair work, dismantling, or servicing of any kind to be permitted.
- (3) Where setback lines are required from the street, the setback area shall not be considered as part of the parking lot but shall be maintained as a yard area in keeping with the adjacent yards.
- (4) Sufficient area shall be provided within the property lines so that all vehicles may enter and leave the lot in a forward motion.
- (5) All parking lots shall be screened from adjacent residentially zoned property in such manner as to give sufficient protection to the residential district from unsightliness and physical hazards. Such screening shall be as approved or required by the zoning board of adjustment.
- (6) All parking lots shall be constructed in such a manner that contamination by dust, or dust clouds, will not exist. This is to be accomplished by concrete, blacktop, or other non-dust producing surfacing.
- (7) All parking lots shall be lighted. Such lighting shall comply with the standards of section 9.11, Illumination and lighting, subsection (3), Parking area lighting.
- (8) A substantial portion of the parking shall be within five hundred (500) feet of the use to which it is related.

A site plan depicting the proposed off-street parking shall be submitted to the zoning administrator for his review and transmittal to the board of adjustment. This site plan shall be drawn at a scale that will clearly depict the compliance of the proposed parking and lot improvements with the requirements of this section. A copy of this site plan endorsed by the chairman of the board of adjustment and noting such other requirements as the board of adjustment may stipulate shall be retained by the zoning administrator.

Off-street parking permits as may be authorized under this section shall be reviewed by the board of adjustment at five-year intervals for the purpose of authorizing continuance of the conditional use or for withdrawing said authorization.

(Ord. of 4-4-67, § 2; Ord. of 5-21-74, § 9; Ord. No. 1984-38, § 2, 5-1-84; Ord. No. 1986-20, § 4, 5-6-86)

Section 7.03.1. Prohibition of authorizations issued under section 7.03.

The zoning board of adjustment shall not issue a conditional use permit in conjunction with section 7.03, Off-street parking in residential districts for uses not permitted in residential districts, after January 2, 1990; provided, however, this shall not prohibit the zoning board of adjustment's authorizing continuance of existing conditional use permits as authorized by section 7.03.

(Ord. No. 1990-1, § 1(7.03.1), 1-16-90)

Section 7.04. Withdrawal of authorization for off-street parking in residential districts for uses not permitted in residential districts.

The zoning board of adjustment may withdraw the authorization of a conditional use for off-street parking in a residential district for parking directly related to a use not permitted in the residential district when said parking lot is found not to be in compliance with the requirements of the section or when said parking lot is found to be inconsistent with the other neighborhood environmental conditions. All further use of the property shall be in conformity with the requirements as set out in the zoning ordinance of the City of Salisbury.

(Ord. of 4-4-67, § 3; Ord. No. 1984-38, § 3, 5-1-84)

Section 7.05. Off-street loading and unloading space.

Every building or structure used for business, trade or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley to a street. For the purposes of this section, an off-street loading space shall have minimum dimensions fourteen (14) feet in height above the alley or street grade and twenty-five (25) feet in depth from the alley or street line. Such space shall be paved with a suitable non-dust producing material and shall be provided in compliance with the following requirements:

- (1) *Retail business:* 1 space of 300 square feet for each 5,000 square feet of floor area.
- (2) *Wholesale and industry:* 1 space of 500 square feet for each 10,000 square feet of floor area.

Section 7.06. Off-street parking requirements exempted.

The off-street automobile parking and storage requirements of section 7.02 shall not be required for any use located within the area outlined on the Official Zoning Map of the City of Salisbury, North Carolina.

(Ord. No. 1976-62, § 1, 11-16-76; Ord. No. 1979-8, § 1, 2-20-79, **Ord. No. 1997-78**)

Section 7.07(a). Reduction of off-street parking requirements relative to elderly projects.

The zoning board of adjustment may authorize, as a conditional use, a reduction in developed off-street parking requirements for the use classification multifamily dwellings, including apartments, row houses, and townhouses to no less than three (3) off-street parking spaces for each four (4) dwelling units or fraction thereof provided.

- (1) The design for off-street parking shall indicate compliance with the requirements for apartments, row houses, and townhouses; however, only that amount of space need be developed as required by the zoning board of adjustment as provided by this section.
- (2) All the dwelling units in a specific development shall include those features accommodating occupancy by the elderly. For example, the dwelling units and access to them shall include, but not be exclusively limited to, such structural features as ramps, low-rise steps, grab bar, and handrails.

- (3) Should any unit be occupied by nonelderly people, other than spouse or dependent of an elderly person, that unit shall be excluded from the computation for off-street parking for the elderly as authorized by the board of adjustment and shall be provided with developed off-street parking as required for the use classification multifamily dwellings, including apartments, row houses and townhouses in section 7.02, Off-street automobile parking and storage.

(Ord. No. 1975-23, § 1, 4-15-75; Ord. No. 1984-38, § 4, 5-1-84, **Ord. No. 2002-23**)

Section 7.07(b). Reduction of off-street parking space requirements for community centers, offices, and retail at appropriate locations and historic characteristics.

The Zoning Board of Adjustment may authorize, as a conditional use, a reduction in developed off-street parking requirements for the use classifications community centers, offices, and retail, to no less than 50 percent of the off-street parking spaces required in Section 7.02, provided –

- (1) That the structure is located in a district that allowed such use or uses, and that it is in a local historic district and/or National Register Historic District. If such structure has been classified on the National Register listings, it shall be shown to be a “pivotal” or “contributing” structure.
- (2) Should any part of the structure revert to a use other than as a community center, office, or retail, then the reduction in the parking space requirement shall be null and void, and the parking space requirements in Section 7.02 shall be applicable.
- (3) Should the reduced parking space requirements become a problem in the neighborhood, causing parking to overflow from the off-street parking lot onto the street, then one or a group of individuals may appeal to the Zoning Board of Adjustment to reconsider the conditional use. The Zoning Board of Adjustment may increase the amount of off-street parking spaces, or eliminate the reduction altogether. Appeals may be made to the Zoning Board of Adjustment no more often than once a year.

(Ord. No. 2002-23)

Section 7.08. Arrangement of parking and maneuvering area, except for single-family dwellings and two-family dwellings with separated parking areas and driveways.

Except for single-family dwellings and two-family dwellings with separated parking areas and driveways, the parking and maneuvering area shall be arranged to allow vehicles to enter and leave the premises or parking area in a forward motion. When more than two (2) required spaces are provided in a single parking area, then entering and leaving in a forward motion is required.

(Ord. No. 1984-38, § 5, 5-1-84)

Section 7.09. Zoning Permit Required to Establish or Enlarge Any Off-Street Parking Lot by 12 or More Spaces.

A zoning permit shall be required to establish or enlarge any off-street parking lot by 12 or more spaces. A certificate of occupancy shall not be issued if all requirements of this ordinance have not been complied with, including all applicable landscaping regulations (see Article X, Section 10.06).

Section 7.10. Special Use Permit. The Salisbury City Council may issue a special use permit as authorized in this section.

(I) Procedures. The procedure for the issuance of a Special Use Permit shall be as follows:

- (a) City Council consideration of a Special Use Permit request or matters related thereto shall be governed by the taking of competent evidence, making findings of fact, drawing conclusions, formulating a decision, and issuing an order.
- (b) Prior to holding a Public Hearing on the requested Special Use Permit, the Salisbury City Council shall receive a recommendation from the Salisbury Planning Board.
- (c) The Salisbury City Council and the Salisbury Planning Board may require any information from any parties in interest as the council or planning board may deem appropriate in its review and consideration of a special use permit request.
- (d) The authorization of council for a special use permit and all supporting documentation shall become a part of the certificate of occupancy. Failure to comply with the conditions of a special use permit or other provisions of the Salisbury Zoning Ordinance shall constitute a violation of the Salisbury Zoning Ordinance.
- (e) The determination of the Salisbury City Council shall be conclusive and final, and there shall be no further appeal to the zoning board of adjustment or any other administrative board or commission. A request for a review may be made in the same manner as an original request. Evidence in support of the request shall initially be limited to that which is necessary to enable the council to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. It shall thereupon treat the request in the same manner as an original request. Otherwise, the council may terminate any further consideration of such request. The city council may, however, review its authorization and the conditions thereof and after such review may modify or change the conditions of the special use permit or may terminate the special use permit. Any appeal for administrative review concerning the enforcement of a special use permit shall be to the Salisbury City Council.

(II) Notification. In accordance with Section 19.02, Notification Procedures, the public shall be notified of Special Use Permit requests in the following manner:

- (a) Notification shall be sent to the Salisbury Post in the form of an agenda with the listing of the Special Use Permit request.
- (b) Notification shall be sent to the petitioner requesting the Special Use Permit.
- (c) Notification by first class mail shall be sent to the property owner(s) of the site involved, and all property owners within 100 feet of the site, as listed in the Rowan County tax office.
- (d) Notification of the City Council Public Hearing as a legal advertisement shall be made in the Salisbury Post. The advertisement shall be done twice, the first time being at least 10 days prior to the public hearing; the second time being the following week. [Currently only required for 2 of 5 SUP]
- (e) Notification at the site shall be made by posting a Special Use Permit sign on the property, where practical.

- (f) In instances where the site is within the H Overlay, notification shall be sent to all members of the Historic Preservation Commission.

(III) Applicability. The Salisbury City Council may authorize a Special Use Permit for the following:

- (a) The expansion of any nonconforming structure or use in an A-1 agricultural or R-20 single family residential district provided that:
 - 1. The use existed on the site where the expansion is proposed prior to being zoned A-1 agricultural or R-20 single family residential at the time that portion of the Salisbury jurisdictional area was initially zoned by the City of Salisbury.
 - 2. The Salisbury City Council may stipulate specific conditions which it deems reasonable and appropriate as prerequisites to and encumbrances on the nonconforming structure or use and/or specific enlargement, extension, structural alteration or other modification of such structure or use so as to mitigate any adverse effect or impact of the nonconforming structure or use or its expansion on the immediate neighborhood. These conditions may include, but shall not be limited to, landscaping, arrangement and location of principal and accessory structures and uses, parking, noise, odor, smoke, dust, vibration, screening or other measures of buffering the nonconforming structure or use to the immediate neighborhood, signs, lighting, loading and unloading, and hours of operation. The location of any of these conditions may be in any zoning district when the property in question is divided by a zoning boundary. All other requirements of the Salisbury Zoning Ordinance and other applicable municipal ordinances shall apply, including those related to nonresidential uses in a residential district. Only that which is specifically authorized by the Salisbury City Council as a special use permit shall be permitted. The nonconforming structure or use and any authorized enlargement shall be a nonconforming structure or use under the Salisbury Zoning Ordinance.
- (b) The reconstruction, alteration, or repair of any structure in the Historic district of any structure classified as a "pivotal" or "contributing" structure in a National Register District that is not in the Historic district that has been damaged more than sixty (60) percent of the fair market value immediately prior to damage and is nonconforming because one or more setback(s) is less than what is required in its zoning district or it has less than the required minimum lot size, provided that:
 - 1. The city council may stipulate specific conditions which it deems reasonable and appropriate as prerequisites to and encumbrances on the nonconforming structure and/or specific reconstruction, alteration, or repair so as to mitigate any adverse effect or impact of the nonconforming structure on the immediate neighborhood.
- (c) The establishment of child day care homes in the following districts: A-1, R-40, R-40MH, R-20, R-20MH, R-15, R-15MH, R-12MH, R-8, and SFC, along with corresponding Special Use Zoning Districts, provided that:
 - 1. The issuance of the Special Use Permit shall include, among other things, the general acceptance in the neighborhood in which the child day care home is located.
 - 2. Child day care homes which have a valid state child day care home license and existed at the effective date of this ordinance, shall be allowed to continue and not be required to secure a special use permit.

(d) The establishment of child day care facilities in the following districts: R-6, PSP, and corresponding Special Use Zoning Districts, provided that:

1. The issuance of the Special Use Permit shall include, among other things, the general acceptance in the neighborhood in which the child day care facility is located.
2. Notwithstanding Section 7.01(1)(b), child day care facilities as listed in this subsection, which have a valid state day care facility license and existed at the effective date of this ordinance, shall not only be allowed to continue, but may also be enlarged, extended, or structurally altered without having to secure a special use permit.

(e) The expansion or extension of an industrial structure in an industrial district, the side of which abuts a residential district, provided all of the following regulations are met:

1. The side yard may be reduced to an average of no less than five feet, with no point being less than three feet from the property line.
2. Any part of the structure less than ten feet from the property line shall not exceed a height of 20 feet.
3. An opaque fence, at least eight feet in height, is built at the property line to separate the industrially zoned property, and extends the length of the residentially zoned property that abuts it.
4. Landscaping between the property line and structure shall consist of:
 - two or more species of trees;
 - evergreens at least six feet tall when planted and/or deciduous trees at least two inch caliper when planted;
 - trees spaced no more than eight feet apart on center; and
 - trees that, at maturity, are at least three feet above the top of the structure, as specified in (2) above.
5. The city council may stipulate specific conditions which it deems reasonable and appropriate as prerequisites to and encumbrances on the structure and/or specific reconstruction, alteration, or repair so as to mitigate any adverse effect or impact of the nonconforming structure on the immediate neighborhood.

(f) Convenience stores in the B-CS District, provided that:

1. A Special Use Permit shall be required for:
 - (i) The establishment of any convenience store in the B-CS district
 - (ii) The expansion or enlargement of any convenience store in the B-CS district
 - (iii) The reconstruction (through fire, wind damage, etc. that exceeds 60 percent of the fair market value immediately prior to damage) of any convenience store in the B-CS district
2. A Planning Board recommendation and/or a subsequent City Council approval may require additional regulations than what are normally required in the B-CS district, such as greater setbacks, more landscaping, reduced signage, more parking, additional specifications on lighting, days/times of operation, etc.”

(g) Residential Treatment Facilities, provided that:

- 1. The proposed facility is located with no less than one-half mile separation from any existing Residential Treatment facility.**
- 2. The applicant shall have the ability to obtain a license from the NC Department of Health and Human Services**
- 3. There shall be a demonstrated need for the facility, based on empirical data provided by the applicant**
- 4. The facility shall house no more than six (6) clients.**
- 5. The applicant shall clearly indicate whether or not the facility is intended to provide treatment for juveniles adjudicated as delinquents.**
- 6. The Special Use Permit shall be non-transferable and is revocable with the loss of state licensure. The Special Use Permit will expire immediately upon vacancy of the property and/or discontinuation of the use.**

(h) Outdoor display area in certain parking lots, provided that:

- 1. The maximum allowable area for an outdoor display area shall be 10 percent, though City Council in its review for issuance of the special use permit or reconsideration, may reduce the 10 percent to some lesser percentage.**
- 2. Council may set a time limitation for applicability, such as the months of January through October, which could be made applicable for one year, several years, or an indefinite number of years-until the permit is reevaluated.**
- 3. This provision shall apply only in the B-7 Limited Business or B-6 General Business zoning districts.**
- 4. This provision shall be restricted to buildings with more than 80,000 square feet.**
- 5. Certain uses/materials shall be prohibited, including tents, trailers, fertilizer, and any other materials prohibited by the National Pollution Elimination Discharge System. In addition, Council may add other uses/materials that shall be eliminated, on a case-by-case review of individual special use permits.**
- 6. Identification of the outdoor display area shall be shown on the group development site plan.**
- 7. Though “outdoor storage” is permitted in industrial districts, that type of “outdoor storage” is not the same as “outdoor display areas” described in this part, and shall not be used for the purposes described here.**
- 8. As with other special use permits, Council may revoke a permit, review a permit, or even amend a permit if there were circumstances that could cause this to happen. The procedure for review, including Planning Board involvement, is outlined in subsection I Procedures of this Section.**

(Ord. No. 2003-22; Ord. No. 2003-40; Ord. No. 2003-55)